



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,153	07/08/2003	Wan Soo Han	SUN-0028	2733

7590 01/11/2006

Robert E. Bushnell
Attorney at Law
1522 K Street N.W.
Suite 300
Washington, DC 20005-1202

EXAMINER

PERRY, ANTHONY T

ART UNIT	PAPER NUMBER
----------	--------------

2879

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,153

Applicant(s)

HAN ET AL.



Examiner

Anthony T. Perry

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The Amendment filed on 10/27/2005, has been entered and acknowledged by the Examiner.

Claims 1-10 have been canceled.

Claims 11-20 have been added.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-13 and 15, 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishimaki et al. (JP 11-273872).

Regarding claims 11, 13, and 17-18, Nishimaki et al. teach an EL device comprising a transparent electrode layer (3a) formed on an insulation substrate (2a); a luminescent layer (4) on the transparent electrode layer (3a); an insulation layer (5) formed on the luminescent layer (4); a rear electrode layer (6a) formed on the insulation layer (5); a first protection layer (7) covering the luminescent layer (4), the insulation layer (5), and the rear electrode layer (6a); a conductive electrode layer (8a) for reducing noise formed on the first protection layer (7); and a second protection layer (2b) covering the noise reducing electrode layer (8a) (for example, see Fig. 1).

Regarding claim 12, Nishimaki et al. teach the noise reducing electrode layer (8a) commonly grounded along with the transparent electrode layer (3a) so as to be connected to one of the two electrodes of the EL device (for example see Fig. 1).

Regarding claims 15 and 19, the first and second protection layers function as a protection film preventing penetration of moisture from outside and an insulation film between electrodes (see paragraphs 0012-0013).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimaki et al. (JP 11-273872).

Regarding claim 14, Nishimaki et al. teach only exemplify the noise-reducing electrode being formed of aluminum. However, it states that the noise-reducing electrode is not limited to aluminum and may be formed by other suitable materials. Using silver is a well known alternative to using aluminum as the material of conductive electrodes in the art of EL devices. Furthermore, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Thus, it would have been obvious to one having ordinary skills in the art at the time the invention was made to have used silver as the noise-reducing

Art Unit: 2879

electrode, since the selection of known materials for a known purpose is within the skill of the art.

Regarding claims 16 and 20, Nishimaki et al. teach the first protection layer (7) being made of fluororesin, a known polyester, and the second protection layer (2b) being formed of a material known for its moisture proof film, but do not specifically state that the moisture proof film is made of polyester. However, it is well known to use polyester as moisture proof films in EL devices. Furthermore, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Thus, it would have been obvious to one having ordinary skills in the art at the time the invention was made to have used polyester as the second protection layer, since the selection of known materials for a known purpose is within the skill of the art.

Response to Arguments

Applicant's arguments filed 10/27/05 have been fully considered but they are not persuasive.

Applicant states that the moisture proof sheet (2b) of the Nishimaki et al. does not correspond to the second protection layer of the claimed invention. The examiner respectfully disagrees. Claims 11 and 17 claim the second protection layer being adapted to cover the noise reduction electrode. Figure 1 of the Nishimaki reference clearly shows the second protection layer (2b) covering the noise-reducing electrode (7).

With regards to the Applicant's arguments that it is not obvious to use silver as the noise-reducing electrode, the examiner respectfully disagrees. Knowing the suitability of silver as an electrode, the Applicant has not indicated or provided any reasoning why it would not have been obvious to one of ordinary skill in the art to use silver as the electrode. Nishimaki even teaches suitable materials other than aluminum used as the noise-reducing electrode. Similarly, the Applicant has not provided any reasoning why it would not have been obvious to one of ordinary skill in the art to use polyester as the second protection layer. It is within the skill of a worker in the art to use polyester as the second protection layer since it is well known to use polyester as a moisture-blocking layer.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2879

Contact Information

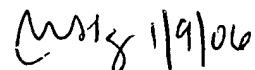
Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Anthony Perry* whose telephone number is (571) 272-2459. The examiner can normally be reached between the hours of 9:00AM to 5:30PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-24597. **The fax phone number for this Group is (571) 273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony Perry
Patent Examiner
Art Unit 2879
January 9, 2006



Mariceli Santiago
Primary Examiner
Art Unit 2879